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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,946	06/27/2000	Marco DeMello	MSFT-0125/154575.1	5208
41505	7590	02/23/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			DARROW, JUSTIN T	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/604,946	Applicant(s) DEMELLO ET AL.	
	Examiner Justin T. Darrow	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5,7,8,14,15,27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5,7 and 8 is/are allowed.
- 6) ☒ Claim(s) 14,15,27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-33 have been presented for examination. Claims 1, 2, 4, 6, 9-13, 16-26, 28, and 31-33 have been canceled and claims 3, 5, 7, 14, 15, 27, 29, and 30 have been amended in an amendment filed 09/17/2004. Claims 3, 5, 7, 8, 14, 15, 27, 29, and 30 have been examined.

Docketing

2. This application has been docketed to Primary Examiner Justin T. Darrow in Group Art Unit 2132 in Technology Center 2100.

Priority

3. Acknowledgment is made that the instant application is claims benefit of the earlier filing date of provisional Application No. 60/172,318 and provisional Application No. 60/172,319, both filed 12/17/1999.

Information Disclosure Statement

4. The information disclosure statement (IDS) filed on 10/07/2004 was filed after the mailing date of the Office action on 06/17/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 14, 15, 27, 29, and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by Nuvomedia, Inc. (Eberhard et al.), International Application Publication No. WO 99/45491 A1.

As per claim 14, Eberhard et al. illustrate a computer readable medium having computer-executable instructions to perform acts comprising:

authenticating software (see page 6, lines 17-21; figure 1, item 125; an applet providing authentication information to a retailer's server; and

providing at least one cryptographic service for the software (see page 7, lines 25-28; figure 1, items 105, 110, and 125; downloading an encrypted file for which the applet will require decryption);

wherein the computer-executable instructions to perform the at least one cryptographic service are separate from the software and invocable by a call from the software (see page 8, lines 4-9; figure 1, items 105, 115, and 125; the applet calls the reader to decrypt the encrypted file),

wherein the at least one cryptographic service comprises unsealing sealed data (see page 8, lines 4-9; figure 1, items 105, 115, and 125; the applet calls the reader to decrypt the encrypted file),

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wherein the sealed data comprises information associated with the user to whom content is licensed (see page 7, lines 15-18; figure 1, items 100, 105, and 135; the file represents an electronic version of a book requested and purchased by the user), and

wherein information is selected from a group consisting of: a name, a credit card number, and a receipt number (see page 10, lines 29-34; figure 2, steps 204, 252, and 254; including the buyer's name, credit card information, and a unique transaction ID).

As per claim 15, Eberhard et al. depict a computer readable medium having computer-executable instructions to perform acts comprising:

authenticating software (see page 6, lines 17-21; figure 1, item 125; an applet providing authentication information to a retailer's server; and

providing at least one cryptographic service for the software (see page 7, lines 25-28; figure 1, items 105, 110, and 125; downloading an encrypted file for which the applet will require decryption);

wherein the computer-executable instructions to perform the at least one cryptographic service are separate from the software and invocable by a call from the software (see page 8, lines 4-9; figure 1, items 105, 115, and 125; the applet calls the reader to decrypt the encrypted file),

wherein the act of providing at least one cryptographic service comprises issuing a call to a secure repository (see page 8, lines 4-9; figure 1, items 105, 115, and 125; the applet helper application downloads the file to the reader),

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wherein the secure repository decrypts at least some data (see page 8, lines 4-9; figure 1, items 105, 115, and 125; the reader decrypts the file).

As per claim 27, Eberhard et al. describe a method of supporting a content distribution system, comprising:

providing, to a first entity, an interface for requesting at least one service, usable by first software (see page 6, lines 1-12; figure 1, items 110, 112, 115, 120, and 125; a user PC configured with front-end software including a Web browser and a helper application for communicating with a text reader and retailer server);

providing, to a second entity, a set of computer-executable instructions that provide one or more services (see page 8, lines 18-22; figure 1, item 115; configuring the reader to decrypt and display one page of a text at a time);

wherein the computer-executable instructions are invocable by way of the interface (see page 8, lines 4-9; figure 1, items 105, 115, and 125; establishing communication with the reader to download, decrypt, and display the file) and

wherein the one or more services include enabling the use of information stored in an encrypted format (see page 8, lines 4-9; figure 1, items 105, 115, and 125; the reader decrypts the file) and

wherein the set of computer-executable instructions includes instructions to:

issue a call to a secure repository in the information has associated therewith a first level of protection (see page 8, lines 4-9; figure 1, items 105, 115, and 125; establishing communication with the reader to download, decrypt, and display the file); and

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enable the use of the information without using the secure repository if the information has associated therewith a second level of protection different from the first level of protection (see page 8, lines 1-3; where a second level of protection is no protection for works in the public domain that are not encrypted where encryption/decryption steps are simply eliminated).

As per claim 29, Eberhard et al. describe a method of using first information stored in an encrypted format (see page 7, lines 25-27; figure 1, items 105 and 110; downloading an encrypted file to a user's PC), comprising:

issuing a first request to provide first data which enables the use of the first information (see page 6, lines 31-34; page 7, lines 1-8; figure 1, items 115, 120, and 135; the retail server requests the key for the particular reader used by the buyer's PC from the authentication server); and,

if the first information is sealed with second information pertaining to an authorized user of the first information (see page 7, lines 15-18; figure 1, items 100, 105, and 135; the file represents an electronic version of a book requested and purchased by the user),

issuing a second request to provide second data which includes second information (see page 10, lines 29-34; figure 2, steps 240 and 254; sending a "prepare" request for a unique transaction ID and capturing the buyer's name and credit card number), selected from the group consisting of: a name, credit card number, and a receipt number (see page 10, lines 29-34; figure 2, steps 204, 252, and 254; including the buyer's name, credit card information, and a unique transaction ID).

As per claim 30, Eberhard et al. explain a method of using first information stored in an encrypted format (see page 7, lines 25-27; figure 1, items 105 and 110; downloading an encrypted file to a user's PC), comprising:

issuing a first request to provide first data which enables the use of the first information, wherein the first data comprises the first information in an unencrypted format (see page 8, lines 4-9; figure 1, items 105, 115, and 125; establishing communication with the reader to download, decrypt, and display the file); and

if the first information is sealed with second information pertaining to an authorized user of the first information (see page 7, lines 15-18; figure 1, items 100, 105, and 135; the file represents an electronic version of a book requested and purchased by the user),

issuing a second request to provide second data which includes second information (see page 10, lines 29-34; figure 2, steps 240 and 254; sending a "prepare" request for a unique transaction ID and capturing the buyer's name and credit card number).

Allowable Subject Matter

7. Claims 3, 5, 7, and 8 are allowed.

8. The following is an examiner's statement of reasons for allowance:

Claims 3; 5; and 7 and 8 are drawn to computing devices. The closest prior art, Rose, U.S. Patent No. 5,708,709 A, discloses similar computing devices. Rose neither teaches nor suggests a management module separate from the rendering application and interfaceable to any of a plurality of rendering applications wherein the management module returns first data including first information in an unencrypted format, enabling use of the first information by the

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rendering application. This composite limitation explicitly incorporated into independent claims 3, 5, and 7 render claims 3; 5; and 7 and 8 allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and

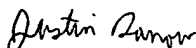
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consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only **"OFFICIAL FAX"** but also **"AMENDMENT AFTER FINAL"**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

February 20, 2005


JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100